

WEISS & WEISS
ERIC WEISS, ESQ. (EW 2400)
Attorneys for Plaintiffs
1250 Central Park Avenue
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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X

TOUGH CITY, INC. and SAMIR RAJPUT,

Civil Action 07 Civ. 06626 (NRB)

Plaintiffs,

v.

**AFFIDAVIT IN SUPPORT OF
CERTIFICATE OF DEFAULT**

XENS, INC.,

Defendant.

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ERIC WEISS, being duly sworn, deposes and says:

1. I am a partner in the firm of Weiss & Weiss, attorneys for plaintiffs, Tough City, Inc. and Samir Rajput, in the above-referenced matter and, as such, am fully familiar with the facts and circumstances of this matter.

2. That on August 7, 2007, plaintiffs served its Summons and Verified Complaint upon Xens, Inc., defendant in this matter. A copy of the Affidavit of Service was filed electronically with the Court on November 6, 2007.

3. Our office, to date, has not received any response from the defendant, Xens, Inc., to the Summons and Complaint, to plead or otherwise defend this action.

4. Defendant is not an infant, in the military, or an incompetent person.

5. Defendant was properly served with the Summons and Complaint pursuant to the Federal Rules of Civil Procedure.

6. Plaintiffs therefore request that the Clerk of the Court issue a Certificate of Default against the defendant, Xens, Inc., in this matter.

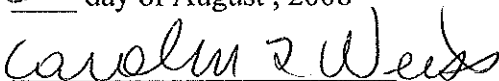
Dated: Yonkers, New York
August 5, 2008



ERIC WEISS

WEISS & WEISS
Attorneys for Plaintiffs
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Sworn to before me this
5th day of August, 2008



Notary Public

tough.attyaff2

CAROLYN L. WEISS
Notary Public, State of New York
No. 62WE0002185
Qualified in Westchester County
Commission Expires February 24, 2010